

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VERISIGN, INC.,

Plaintiff,

v.

XYZ.COM, LLC; and DANIEL
NEGARI,

Defendants,

and

DONUTS INC.,

Deponent.

C15-871 TSZ

(related to E.D. Va. Case No. 1:14-cv-1749)

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff VeriSign, Inc.'s motion to transfer, docket no. 7, deponent Donuts Inc.'s motion to quash subpoena to the Eastern District of Virginia is DENIED. Donuts Inc. has not consented to, and exceptional circumstances do not justify, such transfer. *See* Fed. R. Civ. P. 45(f).

(2) Deponent Donuts Inc.'s motion to quash subpoena or for protective order, docket no. 1, is GRANTED in part, DENIED in part, and DEFERRED in part as follows:

(a) As to the portion of the subpoena duces tecum issued on May 5, 2015, by VeriSign, Inc. seeking Donuts Inc.'s "internal communications relating to Daniel Schindler's April 2014 interview with National Public Radio," Donuts

1 Inc.'s motion is GRANTED and that segment of the subpoena duces tecum is
2 hereby QUASHED. VeriSign, Inc. has made no showing that the materials sought
3 are nonprivileged and either relevant or "reasonably calculated to lead to the
4 discovery of admissible evidence." See Fed. R. Civ. P. 26(b)(1).

5 (b) With regard to the portion of the subpoena duces tecum asking for
6 communications between Donuts Inc. and (i) Adrienne McAdory, owner of the
7 ".wed" generic top-level domain ("gTLD") registry, (ii) Thomas Brackey,
8 co-owner of the ".menu" gTLD registry, or (iii) National Public Radio ("NPR")
9 relating to the availability of unregistered ".com" domain names, Donuts Inc.'s
10 motion is DENIED in part and GRANTED in part as follows. The motion to
11 quash is DENIED as to, and Donuts Inc. shall produce to VeriSign, Inc. within
12 thirty (30) days of the date of this Minute Order, all communications, if any,
13 between it and McAdory, Brackey, or NPR relating to the availability of
14 unregistered ".com" domain names to the extent that those communications
15 occurred during the six-month period predating the NPR report that aired on
16 "Morning Edition" in April 2014. Donuts Inc.'s motion to quash is otherwise
17 GRANTED.

18 (c) With respect to the portions of the subpoena duces tecum requesting
19 communications between Donuts Inc. and XYZ.COM, LLC or Daniel Negari,
20 Donuts Inc.'s motion is DEFERRED pending issuance of an order in the Eastern
21 District of Virginia on related discovery matters, namely docket nos. 60 and 62 in
22 Case No. 1:14-cv-1749.

23 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 15th day of June, 2015.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk